

REMARKS

At the outset, it is noted that non-elected claims 25-33 have been canceled. Claims 1-24 are pending.

In the Office Action, all elected claims stand rejected as being anticipated by prior art. In support of each anticipation rejection, the Examiner has merely parroted the language of the rejected claim and the in conclusory fashion, asserted that all claimed limitations can be found in the cited reference. This procedure is completely inappropriate. It is false and mistaken to assert that a prior art reference discloses a limitation from a rejected claim when that limitation is nowhere to be found in the cited reference. For example, the Examiner asserts that the Bost patent discloses "an electrically conductive mesh 30 (having a total thickness of 10 microns or less)". This statement is false. The Bost patent explicitly describes only one embodiment of the mesh 30, to wit, the M-85 metallized polyester screen having "a thickness of 0.0048 inch", which equals 122 microns, not 10 microns or less. Later the Examiner asserts that the King patent discloses "an electrically conductive mesh 64 (electrodeposited material 10 microns or less)". Again the statement is false. In fact, the word "electrodeposited" appears nowhere in the King patent. It is improper examining procedure to simply list the limitations of the claim and then, without citation to explicit extracts in the cited reference, assert that the cited reference discloses the recited claim limitations. With this general complaint in

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mind, the Applicant will address each anticipation rejection in turn.

In ¶ 3 of the Office Action, claims 1-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,078,160 to Bost. The Applicant traverses this ground of rejection for the following reasons.

The Examiner asserts that Bost discloses a substrate 23 made of dielectric material and a layer of ultrasound transducing material 25. On the contrary, element 23 of Bost is a face of a piezoceramic disk 20, while element 25 is a thin conductive (not dielectric!) layer formed on the disk face, as explicitly stated in column 3, lines 30-38 of the Bost patent. In fact, the mesh 30 of Bost lies between and contacts two piezoceramic disks.

In contrast, Applicant's amended claim 1 recites that the mesh is in contact with an electrical conductor on the dielectric substrate and with an electrically conductive coating on the ultrasound transducing material. Amended claim 1 further states that the dielectric material is not an ultrasound transducing material, meaning that it cannot be a piezoceramic disk as in Bost. Thus amended claim 1 is clearly not anticipated by Bost, since in Bost the mesh lies between disks made of ultrasound transducing material, whereas claim recites that the mesh lies between a layer of ultrasound transducing material and a substrate that is not made of ultrasound transducing material.

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Accordingly, the anticipation rejection based on Bost has been overcome.

In ¶ 4 of the Office Action, claims 9-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,051,913 to King. The Applicant traverses this ground of rejection for the following reasons.

The Examiner asserts that King discloses a body of piezoceramic material 20 and a substrate made of dielectric material 22. This is again incorrect. Layer 22 in Figure 4 of King is an electrode (see column 6, line 50), not a dielectric material. Moreover, the mesh 54 (mistakenly cited as element 64 in the action) does not lie between layers 20 and 22. The mesh 54 shown in Figure 5 corresponds to the acoustic isolator 32 shown in Figure 4, and that acoustic isolator 32 does not lie between or contact either of layers 20 and 22!

Applicant's claim 8 recites that the mesh contacts a pad on the dielectric layer and an electrode on the piezoceramic body. This feature cannot be found in King because the mesh (i.e., acoustic isolator) 32 in Figure lies between an acoustic absorber 30 and a heat sink 34, neither of which constitutes a piezoceramic body. Accordingly, the anticipation rejection of claim 8 based on King is clearly erroneous and should be withdrawn.

Lastly, claims 18-24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Spanish Patent No. 2024763 to

Montero. The Applicant traverses this ground of rejection for the following reasons.

First and foremost, the Applicants strenuously objects to the use of a reference in the Spanish language without providing an English translation. During a telephone interview with the undersigned, the Examiner indicated that she had received verbal translation of portion of the Spanish text and English, and that she relied on the verbal English translations. However, no English translation was provided with the Office Action. During the interview, the undersigned asked the Examiner to send an English-language abstract, which had not been provided with the action. This was subsequently done. That abstract reveals that contrary to assertions made in the action, the mesh in the Spanish patent does not lie between the piezoceramic element and the flexible circuit. On the contrary, the abstract states that the "piezoelectric ceramic [is] bonded to a metal mesh with epoxy resin" and further states that "the flexible circuit . . . is soldered to the ceramic before cutting". Thus, the Montero teaching discloses piezoceramic bonded, on the one hand, to the mesh and soldered, on the other hand, to the flexible circuit. There is absolutely no disclosure or suggestion that the mesh lies between the piezoceramic material and the flexible circuit. Nor can such an interpretation be found in the drawings. Accordingly, the Applicant believes that the Examiner's reliance on Montero is misplaced and that the anticipation rejection of claim 18 based

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on Montero should be withdrawn.

If the Examiner persists in reliance on Montero as being an anticipation, the Applicant requests that an English-language translation be provided by the Patent Office and that the Examiner find explicit support for the rejection in the English version, as opposed to merely parrotting Applicant's claim language.

In view of the foregoing, the Applicants submit that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 1-24 are hereby requested.

Respectfully submitted,

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June 9, 2004


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